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Attorneys for Respondent,
Judge Bernard J. Schwartz

STATE OF CALIFORNIA

BEFORE THE COMMISSION ON JUDICIAL PERFORMANCE

INQUIRY CONCERNING JUDGE BERNARD J. SCHWARTZ, NO. 178	ANSWER OF JUDGE BERNARD J. SCHWARTZ TO NOTICE OF FORMAL PROCEEDINGS
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COMES NOW, Respondent, Judge Bernard J. Schwartz, and answering the Notice of Formal Proceedings in the above-entitled inquiry, admits, denies and alleges as follows:

COUNT ONE

Respondent admits that on July 16, 2005, he was driving his motor vehicle with a .17 percent blood alcohol, in violation of Vehicle Code Section 23152(b).

Respondent admits that on September 6, 2005, a plea of no contest was entered to violation of Vehicle Code Section 23152(b), in the San Luis Obispo County Superior Court, Case No. M376280.

COUNT TWO

Respondent admits the factual allegations as charged in Count Two.

Respectfully submitted,

/s/

EDWARD P. GEORGE, JR.
Attorney for Respondent,
Judge Bernard J. Schwartz

VERIFICATION

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES:

I, BERNARD J. SCHWARTZ, declare that:

I am the respondent judge in the above-entitled proceeding. I have read the foregoing Answer of Judge Bernard J. Schwartz to Notice of Formal Proceedings, and all facts alleged in the above document, not otherwise supported by citations to the record, exhibits, or other documents, are true of my own personal knowledge.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on March 15, 2006, at Riverside, California.

BERNARD J. SCHWARTZ
Judge - Inquiry No. 178

PROOF OF SERVICE

State of California, County of Los Angeles:

I, Kay L. Marcum, declare that: I am and was at all times herein mentioned, a citizen of the United States; employed in the county aforesaid; over the age of 18 years; and not a party to the within action or proceeding. My business address is 5000 East Spring Street, Suite 430, Long Beach, California 90815.

The original **Answer of Judge Bernard J. Schwartz to Notice of Formal Proceedings** was served for filing with the Commission on Judicial Performance on March 16, 2006, by placing the original Answer in a sealed Federal Express envelope addressed to

Jay Linderman
Legal Advisor to Commissioners
Commission on Judicial Performance
455 Golden Gate Avenue, Suite 14400
San Francisco, CA 94102

Said envelope was deposited with Federal Express in Long Beach, California, on said date for delivery to the Commission on March 17, 2006.

A copy of the Answer of Judge Bernard J. Schwartz to Notice of Formal Proceedings was served on Jack Coyle, Trial Counsel, Commission on Judicial Performance, by placing a true copy thereof, in a sealed Federal Express envelope, and causing said envelope to be deposited with Federal Express in Long Beach, California, on March 16, 2006, addressed as follows:

Jack Coyle, Esq.
Office of Trial Counsel
Commission on Judicial Performance
455 Golden Gate Avenue, Suite 14400
San Francisco, CA 94102

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on March 16, 2006, at Long Beach, California.

KAY L. MARCUM